

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

-against-

NOTICE OF MOTION

**DAVID VILLANEUVA and
ALEX LICHTENSTEIN,**

S2 16 Cr. 342 (SHS)

Defendants.

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PLEASE TAKE NOTICE, that upon the annexed affirmation of the Defendant Alex Lichtenstein, the annexed affirmation of RICHARD A. FINKEL, an attorney-at-law admitted to the bar of this Court, the accompanying Memorandum of Law, the accompanying Exhibits and Video recordings, and upon all the previous proceedings in this matter, the Defendant ALEX LICHTENSTEIN, will move this Honorable Court at the Courthouse at 500 Pearl Street, New York, New York, on the 14th day of November, 2016, at 9:30 in the forenoon or as soon thereafter as counsel may be heard, for the following relief:

1. An Order pursuant to Federal Rules of Criminal Procedure, Rule 12(b)(3), suppressing all physical evidence and materials taken and seized from defendant Lichtenstein and from his residence, or in the alternative, granting a suppression hearing;¹

2. An Order pursuant to Federal Rules of Criminal Procedure, Rule 12(b)(3), suppressing all statements made by Defendant Lichtenstein on and after April 17, 2016, or in the alternative, granting a suppression hearing;¹

¹ The request for a Suppression Hearing was Granted by this Honorable Court during the proceedings of October 14, 2016.

3. An *en camera* inspection of the grand jury minutes and, thereupon, an Order dismissing the Indictment on the grounds that the Grand Jury presentation was defective and unduly prejudicial;
4. An Order directing the Government to produce and deliver any and all evidence and other material as required by *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny;
5. An Order pursuant to the principles enunciated in *United States v. Giglio*, 405 U.S. 150 (1972), and its progeny, directing the Government to inform the defendant of the existence and nature of any and all cooperation agreements and understandings, providing copies of all agreements and notes reflecting such agreements and understandings, which have been made or entered into with any and all persons who participated in the alleged criminal activity as well as all witnesses who may be called to testify at any proceeding concerning the instant indictment;
6. An Order, pursuant to 18 U.S.C. § 3500, requiring the timely production of statements and reports of witnesses and potential witnesses;
7. Permitting counsel to supplement the instant application and to submit such other motions as may be appropriate following an examination of the information and materials disclosed and to be disclosed by the Government; and
8. Granting such other and further relief as this Honorable Court deems just and proper.

Dated: New York, New York
November 3, 2016

Respectfully submitted,

RICHARD A. FINKEL, Esq., & Associates, PLLC.

/s/

By: _____
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Filed & Served: ECF